

My name is John DiBiase, I am a member of the Divorced Men's Assoc. of CT. , Ct. Father's 4 Justice and the (ACFC) American Coalition for Fathers and Children. I have resided in the town of Meriden for the past 7 years. My state representative 'Buddy' Altobello has introduced a number of bills on our behalf over the past few years regarding the issues of Legal Aide for veterans and the rights of persons with disabilities in Family Court matters.

I have come before this day to speak about a NUMBER OF BILLS REGARDING CHILD SUPPORT ,CHILD CUSTODY and disability matters. ANY BILL OR LAW THAT DOES NOT PROTECT A CITIZEN'S DUE PROCESS AND EQUAL PROTECTION RIGHTS is unconstitutional.

We will not support any bill which deprives Fathers of their Due Process and Equal Protection Rights guaranteed by our state Constitution and our Federal Constitution.

That being said, For a long time the Judicial Branch used the standard of the 'Tender years doctrine in determining child custody. Then a number of years ago that standard was changed to the 'child's best interest' standard. The statutes were changed but in reality the practice of awarding sole custody to mothers did not change.

In 2008 the Task Force on Fatherhood was formed and a number of meetings were held between 2008 and 2009. A report on the findings was to be released in January of 2011 but no report has been released to date. Myself and a number of other fathers were asked by Sen. Gary Lebeau to each present three questions to the Task Force and they would be answered at a later date. We are still waiting for those questions to be answered. At the meeting on Feb 14th 2008 Charisse Hutton from S.E.S.s stated that more than 90 % of child support is paid by men. This is discrimination and is unacceptable practice by the Judicial branch. As a result of disparity a large number of fathers end up being incarcerated for the non payment of child support. At one of the Task Force meetings Dr. Bill Cosby spoke regarding this issue saying ' Do the math'. It is not cost effective to incarcerate any parent for child support. It costs about \$45,000 a year to incarcerate one Father.

Incarcerating a parent for child support debt harms children. On two different occasions my step son came home from school telling me about two of his class mates who were disturbed about their fathers being incarcerated. The Peonage act was enacted into Law to protect citizens from being jailed for owing debt. The judicial branch circumvents this Federal law by incarcerating parents for contempt of court not for owing child support.

In 2000 Governor Rowland formed the Commission on Children, Custody and Divorce. One of the concerns of the commission was the issue of frivolous motion. In reaction to that the court now are depriving citizens the right to file motions when they have a long history of filing motions. What is a non custodial parent to do when the custodial parent continually violates court ordered visitation and the courts refuse to bring any sanctions against the other parent?

Custodial parents take advantage of a court order denying a parent the right to file any more motions. In my personal case, my due process rights were taken away by judges Shay and Winslow. During that time I was unable to file contempt motions against my ex-wife for visitation and phone interference because my requests for leave to file motions against her were denied. This harms the Father-Child relationship that the courts say they are trying to protect by taking our rights to file motions away.

Another issue that harms children is the false filing of restraining orders or protective orders. I was in Litchfield court with my associate William Mulready and his ex-wife was on the witness stand testifying about an alleged assault by her husband Bill when she was caught in a lie. Why are there any consequences in family (civil) court for persons who file false motions or commit perjury?

I ask that you amend my Bill proposal Raised Bill 6647 changing the term guardian ad litem to Attorney- Guardian ad litem because a G.A.L. does not have the power to file motions on behalf of the disabled person. I was appointed a GAL in Danbury Superior Court by judge Axelrod but he denied my motion for a court Transcript which was my rights as an indigent party.

We have no state statute providing either a definition of a parent with a disability nor a Presumption of innocence for a parent with disabilities in child custody matters. When a parent has not been found unfit and their custody rights have been taken away by giving sole custody to the non disabled parent, when that parent has been the minor child's primary care giver for a period of time and had demonstrated their ability to care for that child, their rights to custody should not be taken away simply because they have a disability. This is discrimination.